



Zoning Administrator

DRAFT NOTICE OF DECISION

**On PCC-13-015, Eastlake Medical College
2571 Mast Way Chula Vista Ca.**

Notice is hereby given that the Zoning Administrator has considered a request by Alex Lajada of the Eastlake Medical College for approval of a Conditional Use Permit to establish a facility to conduct training classes for nursing assistants, home health care workers, first aid, and related administrative offices, located within an existing 1,849 square foot, two story suite in a multi-tenant industrial building complex. The Project includes use of 6 parking spaces (3 reserved, 3 shared/unreserved) in the existing parking lot. The project site is located in the Eastlake Business Center at 2571 Mast Way in Chula Vista, Ca. The site has a Zoning designation (Planned Community District Regulation) of Business Center-1 of the Eastlake Business Center SPA and a General Plan Designation of Limited Industrial (IL).

The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to 15301 (Existing Facilities) of the State CEQA Guidelines. The proposed project consists of negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030 and Section IV.1 (G) of the Eastlake Business Center SPA, has conditionally approved said request based upon the following findings of facts as required by CVMC Section 19.14.080, as follows:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The proposed facility is a vocational school that will provide training for nurses assistants, home health care aids, other related medical training and administrative support facilities in a location that is conveniently located in proximity to other health care businesses and residents in the community, and thus will provide a significant benefit to the community.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The site is located in a suite in a multi-tenant office/industrial complex, and there are no residential uses in close proximity to the site. The proposed use includes 3 employees and classes of up to 12 persons during weekdays 7 am – 5 pm, and

during weeknights after 5 pm and on all day on weekends. The project will be compatible with the surrounding neighborhood as a result of conditions of approval of the project discussed below. First, the proposed use and its activities will be conducted completely indoors, seven days a week during the daytime, and in the early evening hours on weekdays, and on weekends. Second, the site has exclusive use of 6 on-site parking spaces (3 reserved and 3 shared/unreserved spaces provided by the property owner) that will provide parking for employees and students, which is the amount of parking required by the zoning to serve the proposed project, including one class of up to 12 persons and 3 employees. Finally, the suite will be designed to comply with applicable building and fire codes, and will be required to operate in compliance with CVMC Chapter 19.66 regarding Performance Standards and Noise Control. These conditions of approval would ensure that the operation of the business will be compatible with, and minimize any potential adverse impacts to the adjacent businesses and residences. For these reasons, the proposed use will not be detrimental to the health, safety, and welfare of the persons, property and improvements in the vicinity

3. That the use will comply with the regulations and conditions specified in the code for such use.

Granting of this conditional use permit is conditioned to require the Applicant and Property Owner to fulfill the conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code for such use. These conditions will be enforced through inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Municipal Code for uses established under PCC-13-015.

4. That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.

The Project proposes a vocational school that will provide medical training and administrative support facilities for the community. This use is permitted upon approval of a conditional use permit, in conformance with the Business Center-1 zoning designation (Planned Community District Regulation) of the Eastlake Business Center SPA, which is intended to implement the Limited Industrial designation of the General Plan. Therefore, the use is consistent with and will not alter the land use patterns or in any way adversely effect the implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-13-015 as described above subject to the following conditions. The following conditions of approval shall be satisfied prior to certification by

the Director of Development Services for occupancy or establishment of use allowed by this Conditional Use Permit:

PLANNING DIVISION

1. The Project Site shall be developed and maintained in accordance with the approved PCC-13-015 plans, which include the site plan submitted May 8, 2013 and revised floor plans submitted July 29, 2013, on file in the Planning Division, subject to the following conditions contained herein, and the Zoning Ordinance (Title 19).
2. The Property Owner and Applicant or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Applicant

Date

3. Provide written evidence from the property owner that documents that the owner has approved the use of 6 parking spaces for the project.
4. Obtain approval of a Sign Permit from the City for any proposed signs.
5. The office shall operate between the hours of 6:30 am-10 pm Monday through Saturday. The maximum number of employees that can work at one time is three.
6. The project shall conduct a maximum of one training class at a time. The classes shall be conducted in the first floor suite only
7. The classes shall have a maximum size of 12 students.
8. Class hours shall include the hours of 7 am to 3:30 pm Monday through Friday, 4:00 pm to 8:00 pm Monday through Friday, and 8 am to 4:30 pm Saturday and Sunday.
9. The Project shall operate in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.

BUILDING DIVISION

10. To remain in compliance with California Building Code requirements, the project shall comply with the following:
 - a. The project design shall comply with the revised floor plan dated 7/29/13;
 - b. The occupancy of the building shall not exceed 49 persons;
 - c. Medical training classes shall not be conducted on the second floor;
 - d. Any modification of the approved floor plan shall comply with the Ca. Building Code and other applicable codes, to the satisfaction of the City Building Official.

FIRE DEPARTMENT

11. Prior to use or occupancy of the building, the Applicant shall operate the business in compliance with the 2010 or currently applicable California Building and Fire Codes, to the satisfaction of the Fire Marshal.
12. A revised suite layout may result in modifications required to the automatic fire sprinkler system. A deferred submittal will be required to be submitted to the Fire Department for review and approval prior to any modifications of the fire sprinkler system.
13. A single horn-strobe device is required in every floor, of every suite that is located in a building protected by an automatic fire sprinkler system. This new fire alarm notification device will require a deferred submittal, submitted to the Fire Department for review and approval prior to any modifications

LAND DEVELOPMENT DIVISION

14. If a building permit application is required, then the Applicant shall pay the following Engineering fees prior to issuance of the building permit, to the satisfaction of the Development Services Director. If a building permit is not required, these fees are not applicable. The fees may be adjusted because the project is changing the use of the building from industrial use to a vocational school facility (Form 5509-Development Checklist for Municipal Code Requirements):
 - Sewer Capacity fees
 - Traffic signal fees
 - Sewer Basin DIF
 - Other Engineering fees per the Master Fee Schedule.

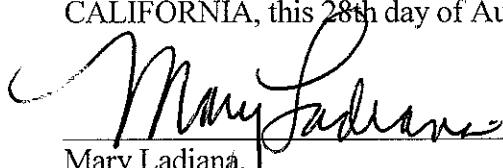
GENERAL/ADMINISTRATIVE

15. If a formal complaint regarding failure to comply with any conditions of approval of this Conditional Use Permit is received by the Director of Development Services, or

if the Director determines that a failure to comply with conditions of approval of this Conditional Use Permit has occurred, then the Director has the discretion to initiate an investigation which may include requesting the applicant to submit plans, technical studies, or other information deemed necessary to review the current Conditional Use Permit. After review, the Director has the discretion to maintain the existing Conditional Use Permit, modify the Conditional Use Permit, or revoke the Conditional Use Permit, pursuant to the requirements of CVMC Section 19.14.270.

16. This Conditional Use Permit authorizes only the use specified in the application for PCC-13-015. Any new use, modification/expansion of use, or activities not authorized under this Conditional Use Permit shall be subject to the review and approval of the Zoning Administrator.
17. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code. Failure to comply with the any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.
18. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
19. Applicant and his/her successors in interest agree to defend, indemnify and hold harmless the City and its agents, officers and employees, from any claim, action or proceeding against the City, or its agents, officers or employees, to attack, set aside, void or annul any approval by the City, including approval by the Zoning Administrator, Planning Commission, City Council or any approval by its agents, officers, or employees with regard to this Conditional Use Permit, provided the City promptly notifies the Applicant of any claim, action or proceeding and on the further condition that the City fully cooperates in the defense.
20. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 28th day of August, 2013.



Mary Ladiana,
Zoning Administrator